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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	No. 4-12-MJ-70442-MAG
	)	
v.	)	
	)	STIPULATION AND ORDER
JOSE ESQUIVEL,	)	DOCUMENTING WAIVER
	)	
Defendant.	)	
	)	
	)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of May 23, 2012, setting a new preliminary hearing date for June 6, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act to June 6, 2012. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Jose Esquivel, was arrested on or about April 18, 2012, for violating 21 U.S.C. § 841(a)(1) (distribution of heroin). Esquivel was charged in a complaint dated April 19, 2012, and presented to the Court on April 19, 2012, 2012. Ellen Leonida, Esq., was appointed to represent Esquivel. On April 27, 2012, Esquivel was ordered detained pending

1 trial.

2 2. On or about April 27, 2012, due to a conflict, Ms. Leonida withdrew as counsel  
3 and Jennifer Schwartz, Esq., was appointed to represent Esquivel. Since Ms. Schwartz's  
4 appointment, the parties have been trying to resolve this matter prior to the filing of indictment.  
5 These discussions, however, especially in light of Ms. Schwartz's recent appearance in this case,  
6 will require more time than the presently-scheduled May 23, 2012 preliminary hearing allows.  
7 Accordingly, the parties respectfully requests that the May 23, 2012 preliminary hearing be  
8 continued until June 6, 2012.

9 3. Taking into the account the public interest in the prompt disposition of criminal  
10 cases, the above-stated ground is good cause for extending the time limit for a preliminary  
11 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment,  
12 and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny  
13 the defense time for effective preparation and representation by seeking disposition of this matter  
14 prior to indictment on agreed-upon terms.

15 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the  
16 May 23, 2012 preliminary hearing date and extends the time for a preliminary hearing until June  
17 6, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from today  
18 until June 6, 2012 be excluded from the time period for preliminary hearings under Federal Rule  
19 of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161.

20 SO STIPULATED:  
21

22 DATED: May 22, 2012

/s/  
\_\_\_\_\_  
JENNIFER SCHWARTZ, ESQ.  
Attorney for JOSE ESQUIVEL

25 DATED: May 22, 2012

/s/  
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W.S. WILSON LEUNG  
Assistant United States Attorney

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1  
2 IT IS SO ORDERED.

3 DATED: May 22, 2012  
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HON. DONNA M. RYU  
United States Magistrate Judge